



UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA	x
v.	
RONALD LEON,	
Defendant.	

ORDER

18 CR 237-2 (VB)

On September 2, 2020, defendant Ronald Leon, through his counsel, filed a motion for a reduction of sentence pursuant to 18 U.S.C. § 3582(c)(1)(A)(i). (Doc. #88).

Section 3582(c)(1)(A) contains an explicit exhaustion requirement:

[T]he court, upon motion of the Director of the Bureau of Prisons, or upon motion of the defendant after the defendant has fully exhausted all administrative rights to appeal a failure of the Bureau of Prisons to bring a motion on the defendant's behalf or the lapse of 30 days from the receipt of such a request by the warden of the defendant's facility, whichever is earlier, may reduce the term of imprisonment . . . if it finds that . . . extraordinary and compelling reasons warrant such a reduction.

Defendant's submission indicates that the exhaustion requirement, a prerequisite to making such a motion, has been satisfied. Specifically, defendant's submission demonstrates that on April 26, 2020, defendant made an application to the warden of his facility for compassionate release, and that on May 11, 2020, the warden denied defendant's request. (See Doc. #88 Exhibit A). Accordingly, it appears more than thirty days have lapsed since defendant submitted his application to the warden. For this reason, defendant's motion appears timely pursuant to Section 3582(c)(1)(A).

Accordingly, by September 17, 2020, the government is directed to file its response to defendant's motion. (See Doc. #88). The government is directed to address the merits of the motion.

Dated: September 3, 2020
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent L. Briccetti".

Vincent L. Briccetti, U.S.D.J.